

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

-

WRIT PETITION No. 10405 OF 2006

Dated 24th May 2006

Between:

M/s.R.K.Enterprises, rep. By its Proprietor

G.Radhakrishna & another

...Petitioners

and

The Election Officer-cum-Ex-officio Vice Chairman of

Malkajgiri Notified Municipal Industrial Area Service

Society, Moula-ali, Hyderabad.

...Respondent

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 10405 OF 2006

ORDER:

The petitioners are the members of Malkajgiri Notified Municipal Industrial Area Service Society, Moula-ali, Hyderabad (for short "the Society"). Elections are held from time to time, to the Society, in accordance with the procedure prescribed under the Memorandum of the Society. The respondent herein issued a Circular, dated 10.5.2006, proposing to conduct elections to the Managing Committee on 25.05.2006. The grievance of the petitioners is that the respondent had deviated from the prescribed procedure, in the matter of conducting elections.

Heard the learned counsel for the petitioners.

One contention advanced on behalf of the petitioners is that the Memorandum provides for election of Managing Committee, and that the office bearers, in turn, shall be elected by the Managing Committee. Whereas, the Election Notification indicates as though the office bearers must be elected by the General Body. The second contention is about the eligibility criteria to participate in the election.

As regards the first contention, it needs to be observed that in a way the Election Notification itself indicates that the election is to the Managing Committee, and though various posts of office bearers are mentioned therein, there is nothing to disclose that the office bearers shall be elected, directly. The respondent is under obligation to follow the procedure, prescribed under clause 5 (vi & viii) of the Memorandum.

As regards the eligibility criteria also, the Memorandum is very clear, and there is nothing on record to disclose that the respondent has modified the same.

Having regard to the facts and circumstances of the case, the writ petition is disposed of, with an observation that the respondent shall scrupulously follow the procedure stipulated under the Memorandum, particularly clause 5 (vi & viii), as well as other eligibility criteria mentioned therein. There shall be no order as to costs.

24th May 2006

Note: Issue operative portion by wire,

at party's costs.

(B/o)

PAN